

ASSEMBLY BILL

No. 1200

Introduced by Assembly Member Laird

February 22, 2005

An act to add Sections 139, 139.2, and 139.4 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1200, as introduced, Laird. Sacramento-San Joaquin Delta.

Existing law, the California Bay-Delta Authority Act, requires the California Bay-Delta Authority and certain implementing agencies to carry out programs that address the goals and objectives of the CALFED Bay-Delta Program Record of Decision, dated August 28, 2000, on behalf of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

This bill would require the Department of Water Resources to evaluate the potential impacts on water supplies derived from the Sacramento-San Joaquin Delta resulting from subsidence, earthquakes, floods, and climate change, as specified. The bill would require the department and the Department of Fish and Game to evaluate and comparatively rate the options available for advancing certain interests that relate to the delta. The bill would require the department and the Department of Fish and Game to submit their written findings to the Legislature and Governor not later than June 30, 2005.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Substantial water supplies are derived from the Sacramento-San Joaquin Delta for the greater Silicon Valley area, Alameda County, eastern Contra Costa County, Napa County, Solano County, the San Joaquin Valley, and southern California.

(b) In a document entitled “Seismic Stability of Delta Levees,” the Department of Water Resources estimated that a single 100-year earthquake would result in three to 10 delta levee breaks and that a single 1,000-year earthquake would result in 18 to 82 delta levee breaks.

(c) A report to the California Bay-Delta Authority Independent Science Board estimated that sea-level rise caused by climate change, continuing subsidence of delta lands, floods, and earthquakes have a 64 percent probability of resulting in catastrophic flooding of delta islands over the next 50 years.

(d) The state's economy, and the governmental programs that are dependent on a healthy economy and a healthy environment, cannot afford a catastrophic disruption of the water supplies derived from the delta.

SEC. 2. Section 139 is added to the Water Code, to read:

139. The Legislature finds and declares as follows:

(a) The state has a primary interest in preventing the disruption of water supplies derived from the Sacramento-San Joaquin Delta.

(b) The state has additional interests in all of the following:

(1) Improving the quality of drinking water supplies derived from the delta.

(2) Reducing the amount of salts contained in delta water and delivered to, and often retained in, our agricultural areas.

(3) Restoring salmon and other fisheries that use the San Francisco Bay/ Sacramento-San Joaquin Delta estuary.

(4) Maintaining delta water quality for delta users.

(5) Assisting in preserving delta lands.

(6) Protecting water rights of the “area of origin” and protecting the environments of the Sacramento-San Joaquin river systems.

1 SEC. 3. Section 139.2 is added to the Water Code, to read:

2 139.2. (a) The department shall evaluate the potential impacts
3 on water supplies derived from the Sacramento-San Joaquin
4 Delta based on 50, 100, and 200 year projections for each of the
5 following possible impacts on the delta: subsidence, earthquakes,
6 floods, climate change, and a combination of these impacts.

7 SEC. 4. Section 139.4 is added to the Water Code, to read:

8 139.4. (a) The department, in writing, shall evaluate and
9 comparatively rate the options available for advancing the
10 interests described in paragraphs (1), (2), (4), (5), and (6) of
11 subdivision (b) of Section 139.

12 (b) The Department of Fish and Game, in writing, shall
13 evaluate and comparatively rate the options available for
14 advancing the interest described in paragraph (3) of subdivision
15 (b) of Section 139.

16 (c) The department and the Department of Fish and Game
17 shall submit their written findings to the Legislature and the
18 Governor not later than June 30, 2005.

19 SEC. 5. This act is an urgency statute necessary for the
20 immediate preservation of the public peace, health, or safety
21 within the meaning of Article IV of the Constitution and shall go
22 into immediate effect. The facts constituting the necessity are:

23 In order to undertake, as soon as possible, measures to protect
24 the Sacramento-San Joaquin Delta, thereby protecting public
25 health and safety, it is necessary that this act take effect
26 immediately.